

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VANESSA SIMMONDS,

Plaintiff,

v.

BANK OF AMERICA
CORPORATION, a Delaware
corporation,

ROBERTSON STEPHENS, INC., a
Massachusetts corporation,

and

J.P. MORGAN SECURITIES INC.,
a Delaware corporation,

Defendants,

and

CRITICAL PATH, INC., a California
corporation,

Nominal Defendant.

NO. C07-1582 JLR

**PLAINTIFF'S NOTICE OF
DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby dismisses this action with prejudice as to the adequacy-of-the-pre-suit-demand issue under the standard articulated by the Ninth Circuit (*see Simmonds v. Credit Suisse Sec. (USA) LLC*, 638 F.3d 1072, 1097 (9th Cir. 2011) (citing *In re Kauffman Mut. Fund Actions*, 479 F.2d 257, 267 (1st Cir.1973)), and without prejudice as to all other issues.

DATED this 11th day of June, 2012.

GORDON TILDEN THOMAS & CORDELL LLP
Attorneys for Plaintiff

By s/Mark Wilner

Jeffrey I. Tilden, WSBA #12219
Mark Wilner, WSBA #31550
1001 Fourth Avenue, Suite 4000
Seattle, Washington 98154
Telephone: (206) 467-6477
Facsimile: (206) 467-6292
Email: jtilden@gordontilden.com
Email: mwilner@gordontilden.com

KELLER ROHRBACK L.L.P.
Attorneys for Plaintiff

By s/Ian S. Birk

William C. Smart, WSBA #8192
Ian S. Birk, WSBA #31431
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Telephone: (206) 623-1900
Facsimile: (206) 467-6292
Email: wsmart@kellerrohrback.com
Email: ibirk@kellerrohrback.com

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

**Counsel for Nominal Defendant
Critical Path Inc.:**

Benjamin J. Stone
COZEN O'CONNOR
E-Mail: bstone@cozen.com

Nancy E. Delaney*
Theresa A. Foudy*
Curtis, Mallet-Prevost, Colt & Mosle
LLP
E-Mail: NDelaney@curtis.com
TFoudy@curtis.com

**Admitted Pro Hac Vice*

**Counsel for Defendants Bank of
America Corporation, Robertson
Stephens, Inc. and J.P. Morgan
Securities Inc.:**

Christopher B. Wells
LANE POWELL PC
E-Mail: wellsc@lanepowell.com

**Counsel for Defendants Bank of
America Corporation and Robertson
Stephens, Inc.:**

Andrew J. Frackman*
Brendan Dowd*
Michael Berengarten &
O'MELVENY & MYERS LLP
E-Mail: afrackman@omm.com
bdowd@omm.com
mberengarten@omm.com

**Admitted Pro Hac Vice*

**Counsel for Defendant J.P. Morgan
Securities Inc.:**

David W. Ichel*
Joe M. McLaughlin*
Jeffrey Coviello*
SIMPSON, THACHER & BARTLETT
LLP
E-Mail: dichel@stblaw.com
jmclaughlin@stblaw.com
jcoviello@stblaw.com

**Admitted Pro Hac Vice*

s/Mark Wilner

Mark Wilner, WSBA # 31550